

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

| | | |
|------------------------------------|---|---------------------------|
| SCOTT LOUIS PANETTI, | § | |
| <i>Petitioner,</i> | § | |
| | § | |
| v. | § | |
| | § | CIV. NO. 1:04-cv-00042-RP |
| BOBBY LUMPKIN, Director, | § | (Death Penalty Case) |
| Texas Department of Criminal | § | |
| Justice, Correctional Institutions | § | |
| Division, | § | |
| <i>Respondent.</i> | § | |

**RESPONDENT'S UNOPPOSED MOTION
TO SUBSTITUTE COUNSEL**

This is a federal habeas case. Petitioner Scott Panetti is a Texas state inmate under a sentence of death. Respondent Director Bobby Lumpkin is Mr. Panetti's custodian. This case has been reassigned to the undersigned assistant attorney general who will now be representing the Director in this proceeding. Thus, the Director moves to permit Rachel Patton to withdraw as counsel of record for the Director and substitute the undersigned in her place. This substitution request is not designed or intended to harass Mr. Panetti or to delay this proceeding. Any future documents should be sent to the same address (if physically delivered) or to the undersigned's email address (if electronic).

CONCLUSION

The Director respectfully requests that the Court allow Rachel Patton to withdraw as counsel and substitute the undersigned as counsel of record for the Director.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JOSH RENO
Deputy Attorney General
For Criminal Justice

EDWARD L. MARSHALL
Chief, Criminal Appeals Division

s/ Ali M. Nasser
ALI M. NASSEN
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Counsel for Respondent

CERTIFICATE OF CONFERENCE

I certify that, on November 17, 2021, I conferred through electronic mail with Mr. Panetti's counsel, Gregory Wiercioch, about this motion, and he stated that he was unopposed to it.

s/ Ali M. Nasser
ALI M. NASSER
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on November 17, 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a "Notice of Electronic Filing" (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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s/ Ali M. Nasser
ALI M. NASSER
Assistant Attorney General